

Chapter H 64

CERTIFICATION OF SOIL TESTERS

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Note: Chapter H 64 as it existed on September 30, 1980 was repealed and new chapter H 64 was created effective October 1, 1980.

Note: Chapter H 64 released in the June, 1980 administrative register was published in error. The revision represented by that publication is correctly published in the September 1980 administrative register.

H 64.01 Applicability. The provisions of this chapter as authorized by s. 145.045, Stats., shall apply to all persons engaged in the conducting and reporting of percolation tests, other tests required by applicable rules of the Wis. Adm. Code and the evaluation of bore holes or soil exposures for the purpose of determining the suitability of soils on a parcel or parcels of land for the absorption of effluents from sewage treatment tanks into the soil. The tests and soil evaluations and reporting thereof on forms supplied by the department shall apply to individual parcels on which a private sewage disposal system is proposed for installation and to lands proposed for subdivision, not served by public sewers.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.02 Definitions. (1) "Department" means department of health and social services.

(2) "Approved" means acceptable to the department.

(3) "Certified soil tester" means a person satisfactorily passing the examination offered to achieve certification and possessing a current certificate.

(4) "Lands proposed for subdivision" means those land divisions not served by public sewers, as defined in ch. 236, Stats., and in any county land or subdivision control ordinance.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.03 Reports. Reports for individual parcels on which a private sewage disposal system is proposed for installation shall be filed with the department and appropriate local authority on all sites investigated within 30 days of completion of testing.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.04 Examining committee. (1) **CREATION.** The department shall appoint an examining committee.

(2) **MEMBERSHIP.** The committee shall consist of 7 members. One member shall be an employe of the department and shall serve as committee secretary. One member shall be a Wisconsin registered engineer, architect or designer; one shall be a Wisconsin registered land surveyor

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or sanitarian; one shall be a Wisconsin licensed plumber having experience in the installation of private sewage disposal systems; one shall be a person educated and experienced in the field of soil science; and 2 shall be public members. All members except the 2 public members shall be certified soil testers. The department shall appoint the members for terms of 3 years.

(3) **LIMITATION.** Members, other than the secretary, shall not be appointed for more than 2 successive terms.

(4) **ORGANIZATION.** The committee shall elect from its membership, not including the secretary, a chairperson and vice-chairperson. Such election shall be held at the first meeting of each calendar year.

(5) **DUTIES.** It shall be the duty of the examining committee to select, organize, conduct and grade a written or written-field experience examination designed to determine the applicant's knowledge of soil testing and to advise the department on a continuing basis on program considerations.

(6) **MEETINGS.** At least one meeting of the examining committee shall be held each year. The committee shall hold such other meetings as deemed necessary to fulfill its responsibilities. Meetings shall be called by the committee secretary.

(7) **REIMBURSEMENT.** Members of the examining committee shall be reimbursed by the department for their actual and necessary expenses incurred in the performance of their duties.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.05 Application and examination. (1) **APPLICATION.** Any person seeking certification as a soil tester shall submit a completed application for examination on the form or forms supplied by the department. A non-returnable fee of \$25 shall accompany each application that is submitted to the department.

(2) **EXAMINATION.** All applicants shall be required to pass an examination conducted by the examining committee. Examinations shall be conducted at such frequency as the examining board shall decide.

(3) **NOTICE OF EXAMINATION TO APPLICANTS.** Notice of the time and place of examination shall be sent by the department by first class mail to those who have completed and approved applications on file. At least 2 weeks' notice of examination shall be given to applicants. Such notice shall be mailed to the address given on the application blank and shall be presented by the applicant to gain admittance to the examination room. It shall be the applicant's responsibility to inform the department of a change in address. Failure of an applicant to receive the examination notice due to a change in address shall not be the responsibility of the department.

(4) **NOTICE OF EXAMINATION RESULTS.** Each person taking the examination shall receive notice of his or her examination grade. This notice shall be sent by the department by first class mail to the address given on the application.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

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H 64.06 Issuance of certificate. (1) **SCORE AND FEE.** A person receiving an examination grade of at least 80 of a possible score of 100 shall upon receipt of the appropriate fee by the department be issued a certificate stating that he or she is a "Certified Soil Tester." Certificates shall expire on June 30 of every other year commencing on July 1, 1980, unless duly renewed.

(2) **APPEAL.** Any applicant for certification may appeal from the examination findings of the examining council by appearing in person before the committee. Request for appeal shall be filed in writing with the department within 30 days after the department mailed notification of the results of the examination. Unless appealed, any examination papers may be destroyed after the 30-day appeal period.

(3) **FEE AND ADJUSTMENTS.** The biennial certification fee, commencing on July 1, 1980, shall be \$50. Certification fees may be increased by the department in \$5 increments every other year after fiscal year 1980-81 if necessary to support the program. The maximum fee shall be \$80.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.07 Renewal of certificate; delinquency and reinstatement. Renewal of the certificate is required by July 1 of every other year commencing on July 1, 1980. Notice for the biennial renewal of certificate and the renewal application shall be sent to all certified soil testers whose certificates were in force during the previous applicable certification period. Such notice and application shall be sent by the department by first class mail to the address given on the latest renewal application on file unless written notice of another address has been given. Failure to receive the notice for renewal of certificate shall not be an excuse for failure to renew. If the renewal application and appropriate fee under s. 64.05 (3), Wis. Adm. Code, are not postmarked by July 1 of the appropriate certification period, the certificate shall be revoked automatically. Within 12 months after revocation, the department shall reinstate a revoked certificate upon receipt of a completed certification renewal application and payment of the appropriate renewal fee under s. H 64.05 (3), Wis. Adm. Code, plus a late filing fee of \$5. A certificate which has lapsed for a period of more than 24 months shall be reinstated by the department only after filing a new application, payment of \$25 examination fee, passing an examination and payment of the appropriate certification fee.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.08 Revocation or suspension of certificate. (1) **GENERAL.** The department may conduct an investigation of any alleged violation of this chapter or ch. H 65, Wis. Adm. Code or s. H 62.20, Wis. Adm. Code. In accordance with s. 145.045 (2), Stats., the department may invoke or suspend the certificate of any soil tester after a formal hearing under ch. 227, Stats., for the practice of any fraud or deceit in obtaining the certificate or any gross negligence, incompetence or misconduct in the practice of soil testing.

(2) **SUSPENSION.** The period for suspension shall be determined by the hearing examiner and shall not exceed 2 years. A person whose certificate has been suspended shall have their certificate reinstated by filing a

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new application for certification and payment of the appropriate fee in accord with s. H 64.07, Wis. Adm. Code.

(3) **REVOCATION.** The period for revocation shall be determined by the hearing examiner and shall not exceed 5 years. A person whose certificate has been revoked shall be eligible for recertification only after that time set for revocation by departmental order has passed. A person whose certificate has been revoked shall have their certification reinstated only after submitting a completed application for examination, payment of the examination fee, passing of the examination and payment of the certification fee in accord with ss. H 64.05 and H 64.06, Wis. Adm. Code.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.